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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter)

US WEST Communications, Inc. Petition)
for Forbearance from Application of)
Section 272 of the Communications Act of)
1934, as Amended, to Previously)
Authorized Services)

CC Docket No. 96-149

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APR 21 1997

Federal Communications Commission
Office of Secretary

COMMENTS OF AT&T CORP.

Pursuant to the Public Notice issued on March 25, 1997, AT&T respectfully submits its Comments on US West's petition for forbearance, under Section 10 of the Communications Act of 1934, as amended,¹ from the application of the requirements of Section 272 of the Act to US West's E911 service.

In its Petition, US West argues (pp. 2-3) that its E911 service, which hands off emergency calls to public or private agencies in different LATAs and transmits data across LATA boundaries, is "inextricably intertwined with the facilities and information of the telephone

¹ Section 10(a) of the Act provides that the Commission shall forbear from application of any provision of the Act "if the Commission determines that -

- (1) enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory;
- (2) enforcement of such regulation or provision is not necessary for the protection of consumers; and
- (3) forbearance from applying such provision or regulation is consistent with the public interest."

company." It further states (p. 3) that moving the service to a separated affiliate would add inefficiencies and increase the cost of providing the service to the public.

US West states (p. 2) that BOC provision of E911 services has been permitted by the MFJ Court,² and claims (p. 3) that the existing arrangement has raised "no suggestion that the just and reasonable provision of the service or the protection of consumers requires placing it in a separate affiliate." Finally, US West (p. 4) claims that "nondiscriminatory access to 911 and E911 is an element of the competitive checklist" [citing to Section 271(c)(2)(B)(vii)(I)], and that Congress thus contemplated "that the BOCs would provide E911 service."

While US West's petition does not appear to satisfy the three-part Section 10 standard,³ AT&T would not oppose an appropriate application of the Commission's forbearance authority in connection with the imposition of Section 272 structural separation requirements on E911 services. The unique nature of the E911 services suggests that, upon a proper showing by an RBOC that its provision of E911 on an integrated basis meets the test for forbearance under the Act, it may be appropriate for a narrow exercise of the Commission's forbearance authority to allow the integrated provision of E911 service by that RBOC. In that event, however, it is important that the Commission make clear that it is not deregulating 911 and E911, that such an

² United States v. Western Electric Co., CA 82-0192 (D.C.C. February 6, 1984), Slip Op. at 5, n.8.

³ As a threshold matter, US West's reliance on the 1984 MFJ Court's waiver is insufficient to demonstrate that US West's instant waiver request meets the specific criteria for forbearance under Section 10, because the MFJ Court's ruling turned on significantly different and narrower circumstances than required by Section 10 of the Act. In particular, the MFJ Court did not address the implications of integration of that service for potential BOC competitors in the local exchange market.

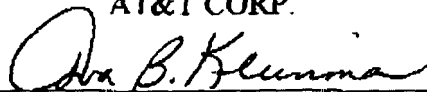
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action provides no precedent with regard to other RBOC services, and that the RBOC accorded such forbearance authority must comply with the accounting and other nondiscrimination safeguards required under the Commission's Computer Inquiry rulings for its E911 information service,⁴ as well as the nondiscrimination and other requirements of the Act.⁵

Respectfully submitted,

AT&T CORP.

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⁴ At a minimum, the RBOC must comply with the Commission's joint cost rules, 47 C.F.R. §64.901, appropriate amendments to its cost allocation manual, see 47 C.F.R. §64.903(b), and compliance with the Computer III customer proprietary network information requirements, as amended by Section 222 of the 1996 Act.

⁵ To the extent that the effect of US West's integrated provision of E911 service enables it exclusively to access unlisted numbers, as well as numbers available from other LECs who utilize US West's database for directory assistance services, such exclusive access to that information discriminates against competitive providers, and precludes them from offering their own E911 services. So long as US West continues to offer E911 service to end users and other carriers, it may not deny competitive providers the ability themselves to offer E911 services by denying them essential unlisted and third-party-LEC number information. This is precisely what the Section 272 safeguards are intended to prevent.

CERTIFICATE OF SERVICE

I, Rena Martens, do hereby certify that on this 21st day of April, 1997, a copy of the foregoing "Comments of AT&T Corp." was mailed by U.S. first class mail, postage prepaid, to the parties listed below:

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